

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN W. KULYK,

Petitioner,

v.

CASE NO. 2:12-CV-643

JUDGE JAMES L. GRAHAM

Magistrate Judge Elizabeth A. Preston Deavers

**WARDEN, HOCKING
CORRECTIONAL FACILITY,**

Respondent.

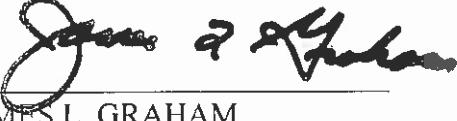
OPINION AND ORDER

On March 19, 2013, the Court granted Respondent's *Motion to Dismiss* this action as barred by the one-year statute of limitations under 28 U.S.C. § 2244(d) and entered judgment. This matter now is before the Court on Petitioner's request for a certificate of appealability. For the reasons that follow, Petitioner's request for a certificate of appealability, Doc. No. 17, is **DENIED**.

Where, as here, the habeas corpus petition is denied on procedural grounds, a certificate of appealability "should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Petitioner has failed to establish that reasonable jurists would debate whether the district court was correct in its procedural ruling. Petitioner's request for a certificate of appealability is, therefore, **DENIED**.

IT IS SO ORDERED.

Date: April 5, 2013



JAMES L. GRAHAM
United States District Judge